

REMARKS

I. Status of the Claims

Without disclaimer or prejudice, claims 67, 68, 71-81, 96, 101, 102, 120, and 127-129 have been amended.

Claims 68, 77-81, 92-95, 103 and 120-129 have been withdrawn as allegedly drawn to non-elected inventions.

Claims 67, 69-76, 82-91, 96-102 and 104-119 are pending and subject to examination upon entry of this paper.

II. Restriction/Election Requirement

The Office has made the Restriction/Election Requirement of April 1, 2009, final. Applicants do not agree with the finality of the Restriction/Election Requirement for at least the reasons indicated in the Amendment and Response to Restriction Requirement filed June 1, 2009. Applicants continue to reserve the right to present the subject matter disclosed by all non-elected species in this or a later-filed divisional application.

III. Claim Rejections - 35 U.S.C. § 102

Claims 67, 69-76, 82-91, 96, 97, 101, 102, and 104-119 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,153,206 to Anton et al. (Anton). Office Action at pages 3-6. Specifically, the Office contends that Anton teaches a block polymer in the form "AAAAABBBBB", wherein A is a monomer which when polymerized will yield a homopolymer having a glass transition temperature of -10 to 75 °C, and B is a monomer which when polymerized will yield a homopolymer having a glass transition temperature of 76 to 120 °C. The Office further asserts that

"AAAABBBB" constitutes an intermediate random block. Applicants respectfully disagree and traverse.

An anticipation reference must clearly and unequivocally disclose the claimed invention or direct those skilled in the art to the claimed invention without any need for picking, choosing, and combining various disclosures. *In re Arkley*, 455 F.2d 586, 587, 172 USPQ 524, 526 (CCPA 1972). Moreover, MPEP indicates that "a specific example in the prior art which is within a claimed range anticipates the range", and "prior art which teaches a range overlapping or touching the claimed range anticipates if the prior art range discloses the claimed range with *sufficient specificity*" (Emphasis added). MPEP 2131.03(I) and (II).

Here, Anton does not teach or suggest the T_g ranges of the blocks as currently claimed. The current claims as amended recite, in relevant part:

at least one styrene-free film-forming linear block ethylenic polymer . . . comprises a first block and a second block that have different glass transition temperatures (T_g),
wherein the first block and the second block are linked together via an intermediate block comprising at least one constituent monomer of the first block and at least one constituent monomer of the second block,
wherein the at least one constituent monomer of the first block differs from the at least one constituent monomer of the second block, said intermediate block is a random copolymer block, and the first block is chosen from:
a) a block with a T_g of greater than or equal to 40°C,
b) a block with a T_g of less than or equal to 20°C,
c) a block with a T_g of between 20 and 40°C, and
the second block is chosen from a category a), b) or c) different from the first block.

Anton does not teach a specific block polymer comprising two blocks with T_gs falling within the claimed ranges. Instead, as indicated in the response filed on June 1, 2009, all of the block polymers as listed in the table of col. 4 comprise blocks with a T_g

over 40 °C. Moreover, a block polymer with one block having a Tg of, for example, 50 °C, and another block having a Tg of, for example, 85 °C, satisfying Anton's description, falls outside the scope of the current claims as amended, for the current claims recite the use of at most only one block having a Tg of more than 40 °C. In addition, when read in its entirety, Anton does not specify Tgs for the blocks in any block polymers. The Tg ranges of " -10 to 75 °C" and "76 to 120°C" are used to define the monomers, as indicated by the language "if polymerized, would yield a polymer having a glass transition temperature of -10 to 75 °C." As such, Anton does not teach the claimed Tg ranges because Anton neither discloses a specific block polymer comprising blocks with Tgs falling with the claimed ranges, nor discloses Tg ranges with sufficient specificity.

Applicants respectfully disagree with the Office's contention that "both **AAAABBB** and **AAAABBBB** are block homopolymers, and **AAAABBBB** is an intermediate random block which comprises at least one constituent monomer from each of blocks A and B." Office Action at page 3. A block polymer in the form "AAAABBBB" is a diblock by definition, thus there is no intermediate block between them. Assuming *arguendo* that "AAABBB" constitutes an intermediate block, as also stated in the response filed June 1, 2009, AAABBB, however, is not a random block. Webster's II New College Dictionary defines "random" as "having no specific pattern, purpose, organization or structure". Random block means that in a polymer chain monomers (for example, A and B) may follow in any order. It is thus clear to one skilled artisan that "AAABBB" is not random because there is a recognizable pattern in this block: one end comprises one kind of monomer, the other end comprises another kind of monomer.

For the forgoing reasons, Anton does not anticipate the current claim as amended. Applicants thus respectfully request that the rejections be withdrawn.

IV. Claim Rejections - 35 U.S.C. § 103(a)

Claims 98-100 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Anton in view of U.S. Patent No. 5,681,877 to Hosotte-Filbert et al.(Hosotte-Filbert) for reasons as set forth at pages 6-8 of the Office Action. Applicants respectfully disagree and traverse for the following reasons.

As discussed above, Anton neither teaches or suggests the claimed ranges of Tgs, nor teaches or suggests that the intermediate block is random block. The Office relies on Hosotte-Filbert for the teaching of "a block co-polymer which comprises blocks of acrylic (or methacrylic) acid and methyl methacrylate".

Hosotte-Filbert does not rectify Anton's deficiency. Hosotte-Filber neither discloses the Tgs for the blocks, nor discloses that a block can comprise both acrylic acid and methyl methacrylate. Instead, the preferred block polymer is a diblock wherein one block comprises acrylic acid and another block comprises methyl methacrylate. See Hosotte-Filbert at lines 22-26, col. 3. Acylic acid is known, when polymerized, to yield a homopolymer with a Tg of 105 °C, and methyl methacrylate, 115°C. As such, contrary to the Office's position, this block polymer falls outside of the current claims, as amended. Moreover, Hosotte-Filbert is silent on intermediate block.

Those two references, taken alone or in combination, do not render obvious the current claims as amended. Applicants respectfully request withdrawal of the rejections.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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